

PROCLAMATION
BY THE
Governor of the State of Texas

41-2007

TO ALL TO WHOM THESE PRESENTS SHALL COME,

June 16, 1985

Pursuant to Article IV, Section 14 of the Constitution of Texas, I hereby veto House Bill 226 because of the following objections:

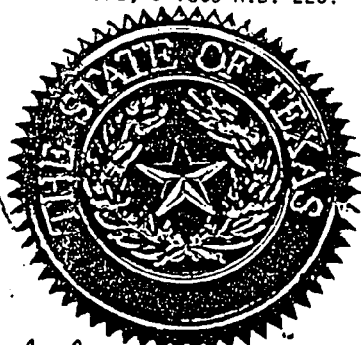
This bill significantly alters a well-established and accepted legal standard under which the State is liable to pay a judgment under the Official Indemnity Act. It broadens the scope and liability to require the state to pay such judgments unless a court found that the employee acted with malice. This would virtually indemnify nearly all acts or omissions of an employee, even those committed in bad faith, and would broaden the accepted criteria for determining the state's liability.

It is important that we continue to stand behind our state employees with legal representation and indemnification when their acts or omissions are the subject of lawsuits when they have faithfully performed their duties according to the requirements of the law. The State should not, however, accept liability for any acts committed in bad faith.

The bill also provides for reimbursement to employees for legal expenses incurred when they are charged with criminal offenses if those allegations are later dismissed without an adjudication of guilt if the allegations stem from acts which occurred during the performance of their official duties. While there should be some mechanism to protect our state's employees from vexatious or overzealous prosecution involving unfounded allegations, this provision of the bill does not sufficiently restrict its application to those situations and does not adequately define when the state would be obligated to pay for an employee's legal fees. The bill should be more narrowly drawn.

While the general purpose of this bill is worthy of support, it needs to be more carefully restricted in coverage to provide financial assistance to only those state employees who have been wrongly or falsely accused of crimes in conjunction with their official duties or who have otherwise performed their duties in accordance with accepted legal standards.

Therefore, I veto H.B. 226.



Respectfully,

A handwritten signature in black ink, appearing to read "Mark White".

Mark White
Governor of Texas

A handwritten signature in black ink, appearing to read "Myra A. McDaniel".
Myra A. McDaniel
Secretary of State

Filed in the office of
Secretary of State

JUN 16 1985